

Protection of Children from Domestic Violence - As an Example of Deprivation of Parental Rights

Mahmudkhodjaeva Umida Muminovna ¹

¹ Doctor of Philosophy in Law (PhD)

Abstract:

The article thoroughly analyzes various types of violence perpetrated by parents against children, including the reasons for the emergence of mental, physical, sexual, and economic abuse, as well as issues related to prevention, legal protection, and the grounds for deprivation of parental rights. In this context, the experiences of several foreign countries have been studied, and a deep comparative legal analysis has been conducted in conjunction with national legislation. Based on the results of the analysis and research, the following specific measures have been proposed and recommended, grounded in scientific evidence:

1. Understanding of Family Violence in Legislation: The understanding of family violence in legislation should be clarified, encompassing familial abuse, neglect, cases of mental violence towards children by parents, instances of physical and sexual violence against children by parents, and cases of neglect by parents towards children.
2. Legal Mechanisms for Protecting Children: Clear legal mechanisms need to be established to protect children from parents who commit violence. This includes defining the concept of violence within the Family Code of the Republic of Uzbekistan and incorporating all types of violence into legislation.
3. Recognition of Various Forms of Abuse: Legal provisions should recognize various forms of abuse within the family context, including physical, sexual, mental, and economic violence against children by parents. Additionally, behaviors detrimental to children's upbringing should be addressed.
4. Preventive Measures: Measures should be implemented to prevent all forms of violence against children by parents. This may involve early identification of abusive situations, educational programs, and interventions aimed at promoting positive parenting practices.

5. Protection of Children: Specific legal mechanisms should be outlined to ensure the protection of children from parents who perpetrate physical, sexual, mental, and economic violence. This includes defining procedures for reporting abuse and providing necessary support and assistance to victims.

6. Educational Initiatives: Educational campaigns should be launched to raise awareness about the consequences of family violence and to promote healthy parent-child relationships. These initiatives should target both parents and communities.

By implementing these clear measures, based on scientific evidence, policymakers can take significant strides towards preventing and addressing family violence against children, safeguarding their well-being and ensuring their rights are protected.

Keywords: parent, child, parental responsibility, parental responsibility, violence, abuse, family violence, children's rights, child abuse, mental abuse, physical abuse, sexual abuse, economic abuse, economic neglect.

Taking into account the fact that in the current of the modern world, new order methods are rapidly entering our lives, analysis of various forms of violence against children in the family, improvement of the legislation on legal protection of children will help to solve some of the problems arising in our society as positively as possible.

Protecting the interests of children in the “Declaration of the Rights of the Child”[1] adopted by the UN General Assembly in 1959, it was declared that “Humanity has an obligation to give children all the best that it has”. In accordance with Article 19 of this international document, physical and mental abuse of a child, insults and abuses, neglect or negligent treatment, abusive treatment or exploitation by parents, legal guardians or any other person who cares for the child, among other things, it is determined that all necessary legal, administrative, social and educational measures should be taken to protect against all forms of sexual abuse.

However, it is estimated that around 1 billion children aged 2-17 worldwide will experience physical, sexual, psychological abuse or neglect in 2022 [2]. In the European region, 12 percent of children between the ages of 2 and 17 (15.2 million children) have experienced violence[3]. More than 300 million children are being abused by their parents[4]. World statistics show that the perpetrators of child abuse are often parents (94.2%), 85% of whom are natural parents[5].

If we analyze the cases of sexual violence against children in foreign countries, for example, in 2022, the cases of sexual violence against children in the United States show that it has decreased due to the pandemic. The most recent report, the US government's National Child Abuse and Neglect Data System (NSANDS), shows that more than 3.1 million cases of child abuse or neglect were investigated in 2020, and the types of abuse include:

76 percent were victims of neglect;

16.5 percent were physically abused;

9.4 percent were sexually assaulted;

0.2 percent were victims of sex trafficking.

It should be noted that in 2020, 1,750 children died from abuse or neglect. 77% of abusers are the child's parents. At least one in seven children in the United States has experienced neglect or abuse in the past[6].

An analysis of data and statistics on sexual abuse shows that in March 2021, 1 in 20 children in the UK had been sexually abused in a survey of 2,275 young people aged 11-17. According to the latest statistics provided by the Rape Crisis charity, 1 in 6 children have been sexually abused[7]. It

should be noted that in 2022-2023, 32,961 crimes related to violence against children were recorded by the police in England and Wales[8], which is an increase compared to the previous reporting year and it is noted that this type of crime has reached the peak.

Based on the analyzes carried out by the French National Institute of Health and Medical Research (INSERM), in 2018 more than 23,500 minors were victims of sexual violence. Specifically, in 2020, 6.7 million children were estimated to have been sexually abused by a relative in their lifetime, and 32 percent of French people said they had been sexually abused by a relative in their lifetime[9].

Despite increased efforts to protect children, sexual violence against minors remains a serious problem. In 2022, the German Federal Criminal Police Office (BKA) reported about 15,500 cases of child sexual abuse. However, the number of unreported cases is several times higher. The World Health Organization (WHO) estimates that around one million children and adolescents in Germany have already been or are experiencing sexual abuse by adults. This corresponds to one or two children in each school class. Many of these cases are not included in the crime statistics because the crime is often not reported and otherwise goes unreported. According to the analysis, an average of 48 children are victims of sexual abuse in Germany every day. Specifically, in 2022, 17,437 children under the age of 14 were victims of sexual violence[10].

According to the data, out of 400 million children in China, “26.6% of Chinese children were victims of physical abuse, 19.6% of psychological abuse, 8.7% of sexual abuse and 26% of neglect” [11]. The researchers concluded that some of the abused children may be poor and orphaned, but some live in wealthy families. It should also be noted that in China in 2021, there were 223 cases of sexual abuse of children (under 18 years old), 569 victims (the youngest was just two years old), child sexual abuse was recorded. According to the 2021 report, 203 of the 223 victims of sexual violence were girls, 91% of them, and 17 were boys, consist of 7.6%[12].

In Uzbekistan, 1240 cases of violence against minors were recorded in 9 months of 2023, of which 417 were sexual violence, 166 cases of violence were committed by relatives and friends of children[13]. Unfortunately, even official statistics do not allow an objective assessment of the scale. Because the child is the weakest layer of the family, in most cases he does not realize the violence against him, or when he does, he does not have the opportunity to report it correctly. Therefore, child abuse in the family remains hidden in most cases.

It can be seen from national and foreign statistical data that today the issue of family violence against children is one of the problems waiting to be solved at the global level. This, in turn, requires conducting scientific-theoretical and practical analyzes within this topic.

The concept of family violence and types of violence committed by parents against children

It is known that human development is influenced by 50% genes and 50% environment. Interestingly, parents provide not only 50% of genes, but also the environment for development[14]. Because the environment created by parents for children is important for children to be physically healthy and well-rounded, mentally and spiritually healthy.

In the literature, “violence is a person's humiliating, oppressing another person by means of violence, physical force[15]” or “violence is a person’s coercion, violence, humiliation, oppression of another person by the use of physical force[16]” is indicated. In other literature: “violence is the implementation of moral, mental and physical harming actions prohibited by law against the will of a person” [17]. Domestic violence is often committed through the use of physical force that is dangerous to life or health. Physical violence includes the use of force, beatings, and various forms of injury to the body. Y.K. Nelyubova defines domestic or family violence as a separate phenomenon: “Domestic or family violence means a certain system of behavior aimed at maintaining power, control and instilling a sense of fear of one family member over another

(others)” [18]. Violence is manifested in close friends and other persons hitting, beating, restricting his freedom, depriving him of a healthy lifestyle and food at his place of residence, as well as damage to his dignity and mental health. According to D.Abdullaeva, domestic violence means direct physical or mental influence and threats through such influence. According to J.L. Herman, the concept of "violence in the family" includes "physical, verbal, sexual, psychological and economic harm of a family member to others”[19].

Thus, domestic violence is illegal behavior related to the use of physical or mental force against family members, using people as a threat or punishment for the purpose of pain, displeasure, physical restraint. Therefore, domestic violence is a method of personal family conflicts. One of these conflicts is manifested in the violence committed by parents against the child, who is the weakest part of the family.

Child abuse is defined as the exposure of a child to behavior by adults that is not acceptable in that culture over a period of time[20]. More specifically, child abuse is defined as "the physical, sexual, or emotional abuse of a child by an adult” [21].

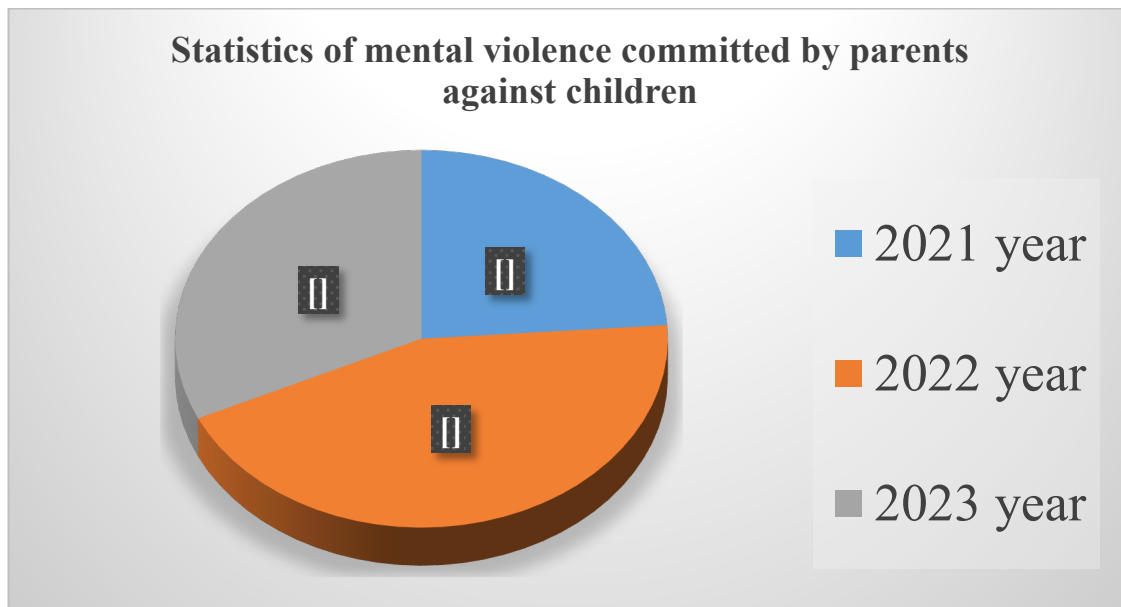
The World Health Organization (WHO) defines violence against children as follows: “Violence against children is defined as any intentional or negligent act by adults, society or the state that negatively affects the health, physical and psychosocial development of children[22]”.

According to some researchers, domestic violence is the most devastating form of violence that children can experience[23]. Children are not always victims of abuse and violence. He witnesses violence against his mother and younger members of the family. In such conditions, psychological trauma can be stronger than when the child himself became the object of violence[24]. It is not clear whether domestic violence is a traumatic event or not, as there are different events that encompass child abuse and domestic violence. Domestic violence involves physical or emotional abuse with at least one family member as the victim and the other as the perpetrator[25].

Based on our analysis, we acknowledge that domestic violence against children presents a significant societal issue impacting all segments of the population. It encompasses acts of torture, cruelty, and inhuman treatment, exerting detrimental effects on children's mental, emotional, and physical development. Children, often perceived as the most vulnerable within families, bear the brunt of such violence. Violence against children encompasses various forms of abuse physical, mental, sexual, or economic manifested through the influence of adults in society or within family dynamics. These harmful actions occur within the fabric of children's daily lives, affecting their growth, upbringing, and pursuit of a healthy lifestyle. Such violence violates children's rights, dignity, and legal interests, constituting unlawful behavior that demands attention and intervention.

Analysis of mental violence in the family in relation to children and the causes of its occurrence. Often violent behavior is committed by parents or their substitutes. It is precisely because mental abuse has no symptoms that it is so difficult to identify and overcome it.

The regional departments of the Republican Center for the Rehabilitation and Adaptation of Women recorded the following figures on mental violence committed by parents against children in 2021, 2022 and 9 months of 2023:



Based on these analyses, it should be said that the risk of mental violence against children by parents is increasing. This can cause many problems not only for the family but also for the society.

As noted in the literature, mental suffering, like physical suffering, can lead to the failure of the human body. Because this suffering causes the deterioration of the most necessary organism of a person, that is, his mental state[26]. Researchers have tried to substantiate the fact that domestic violence is committed under the influence of spiritual dominance and its characteristics. Violence is affecting the psyche of a person in various ways, committing actions aimed at limiting the honor, dignity and freedom of a person by causing mental stress[27]. The use of mental violence should be understood as the use of physical violence against the victim, destruction of his property, threats to reveal information that the victim wants to keep secret, etc[28]. Mental violence is often manifested in the form of threats, insults, humiliation, oppression, and is manifested in the commission of illegal actions that seriously affect the mental health of minors in the family. Psychological abuse is a one-time or chronic psychological impact, insincere or indifferent attitude, as well as other actions of parents and their substitutes, which lead to a violation of self-esteem, loss of self-confidence in the child, inhibits development and socialization[29]. Long ignored, psychological abuse is the most devastating form of abuse that affects all areas of development. Psychologists did not call it murder for nothing[30].

In our opinion, when mental violence is committed against children in the family, adults do not understand the negative consequences of having a strong impact on their psyche. However, the fact that adults create conflict situations in front of children with various insignificant excuses in the family increases the likelihood that they will suffer from family-domestic violence. Based on the analysis, it can be said that psychological violence against a child is the use of adults in the society or in the family to ridicule, insult, belittle, insult, degrade the child's reputation, constantly criticize, laugh at him, deceive, threaten, and destroy his reputation in the family and society, exerting a cruel psychological influence on the life or health of the child in his physical, mental, spiritual and moral development.

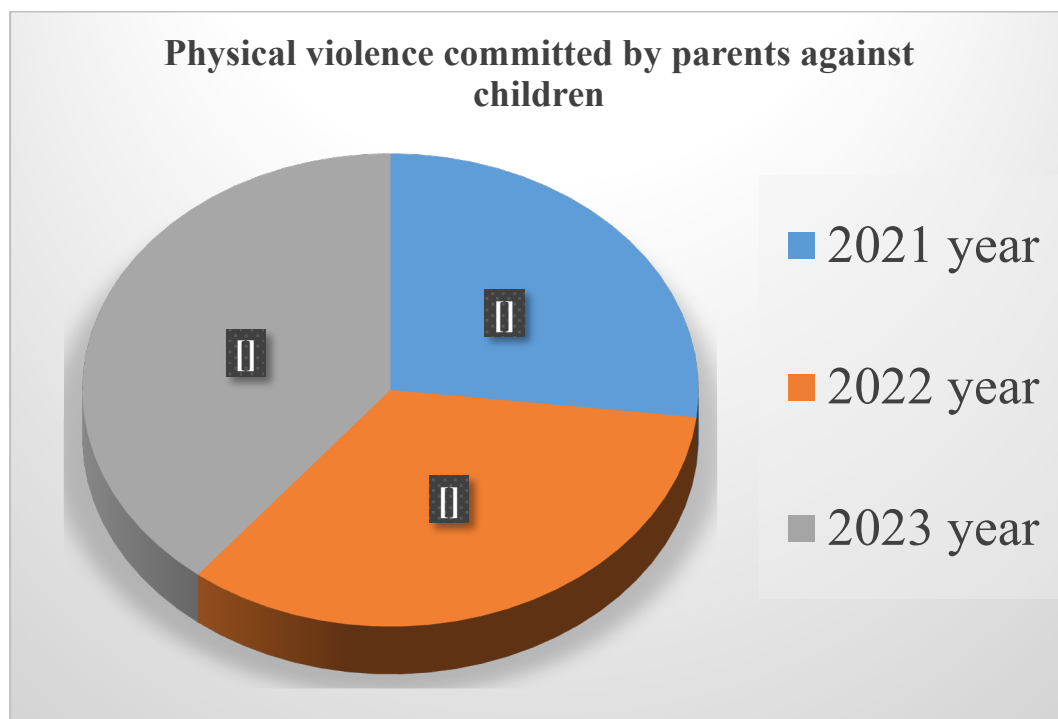
Problems of children being exposed to physical violence in the family

One of the most common forms of child abuse is physical abuse. Today, 3 out of 4 children between the ages of 2 and 4, or 300 million children in the world, are regularly subjected to physical punishment and/or emotional abuse by their parents and caregivers[31]. Physical violence - physical injuries, various physical injuries caused by parents or their substitutes, or other persons, which harm the health of the child, disrupt its development and take its life. Physical violence is violence

and other intentional illegal (prohibited) human actions (abuse, insult, punishment) that cause physical or mental pain and suffering to a child, as well as harm his development and vital activity. These actions can be carried out in the form of beating, torture, shaking, hitting, slapping, burning with hot objects, liquids, lit cigarettes, biting and using various objects as weapons of brutality[32]. The most unfavorable situation for a child is when physical violence is committed by a parent and there is no person in the family who can provide the child with protection and security.

Until now, many people consider it acceptable and reasonable to punish a child by hitting him in the face, hitting him on the head, kicking him, hitting him with various objects in his hands: kitchen utensils, belts, ropes, etc.

The problem of violence against children in the family certainly threatens the social security of society and can be solved by creating and developing mutual relations between all interested structures of society. In particular, if we pay attention to the statistical data regarding the appeals of physical harassment and violence of children to the regional departments of the Republican Center for Rehabilitation and Adaptation of Women in 2021, 2022 and 9 months of 2023, it can be seen that the number of children who suffered from physical violence is increasing.



Based on the above analysis, the following conclusion can be reached. Physical violence against a child is the use of physical force against a child's life, health, development, physical, spiritual and moral maturity, freedom, sexual integrity, honor, value and rights and legal interests protected by law by adults in society or in the family in the course of daily life or threaten to use it.

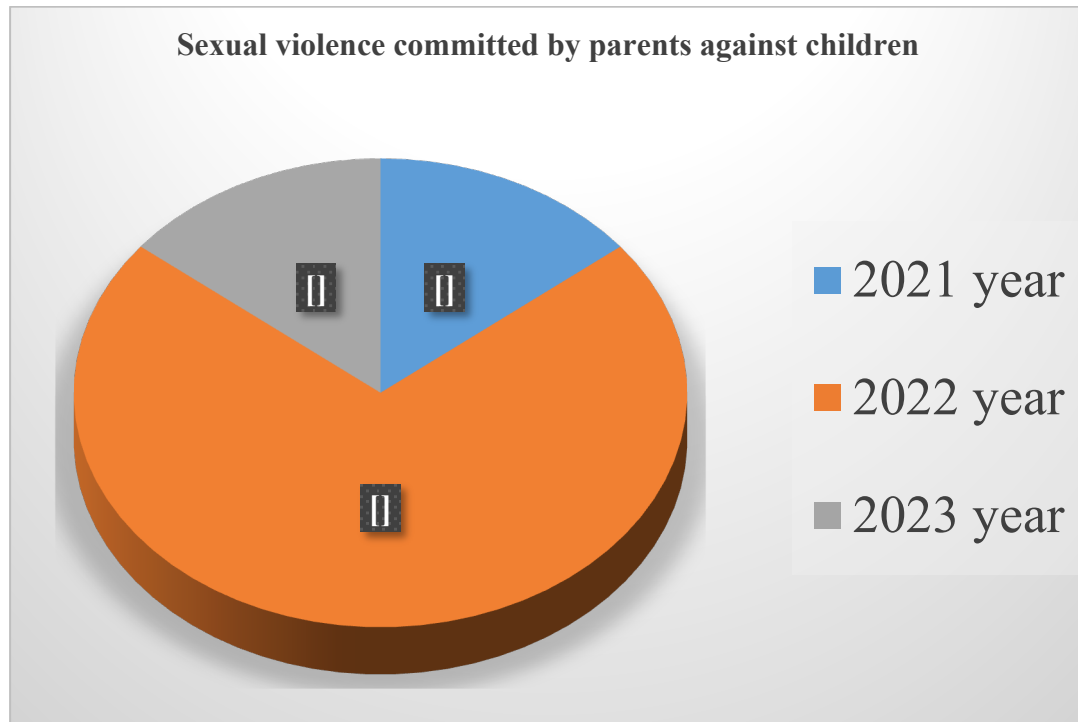
Analysis of domestic sexual violence against children: theory and practice

Child abuse and sexual assault is a global problem with serious consequences. In particular, in the fields of national jurisprudence, although research is being conducted on family violence and its prevention, cruel treatment of children, and its causes and consequences, sexual violence committed by parents against children has not been scientifically and theoretically analyzed. However, there is a problem and it is getting worse. Therefore, along with the fight against this phenomenon, reliable protection of the rights and interests of children is considered one of the urgent tasks of family law.

According to statistics, the total number of criminal cases related to family violence considered in 2021 in our country is 1568. A total of 1,692 persons were brought to justice within the scope of

these criminal cases. Also, 1617 persons were recognized as victims of these crimes, 1184 of them or 73% were women, 433 were men or 26%, and 20 were minors.

If we analyze statistical data on sexual violence committed by parents against children in our country, the following situation can be seen.



One of the first definitions of child sexual abuse is as follows: “the involvement of dependent, underdeveloped children (that is, development in accordance with age norms or behind) and adolescents in sexual activities that they do not understand and do not consent to”. This definition has not lost its relevance today. In fact, sexual abuse does not mean threatening or forcing children to perform sexual acts, but simply having sex with them. We can also see that the following definitions have been given by scientists to the concept of sexual violence against children:

Child sexual abuse is the abuse of a child by an adult or an adult adolescent for the purpose of sexual stimulation[33]. Sexual abuse is defined as the involvement of a child in sexual activity for the physical satisfaction or benefit of the perpetrator[34].

Sexual violence is a form of cruel treatment of a minor by an adult or other adult teenager, with or without his consent, involving him in sexual activities for the purpose of sexual pleasure or financial gain[35]. Child sexual abuse is a type of abuse that involves an adult engaging a minor in sexual activities for sexual gratification or financial gain[36]. Forms of sexual abuse against a child include asking or forcing a child to engage in sexual activity (regardless of the consequences), exposure to a child's genitals, pornography, sexual intercourse with a child, physical contact with a child, looking at a child's genitals without physical contact, producing child pornography, including using a child for release[37].

Most parents understand child sexual abuse as “stranger danger”[38]. However, a child is more likely to be sexually abused by a family member or someone they know and trust than by a stranger. Sexual violence is more common among adolescents than among young children, and girls are more at risk than boys[39]. Widespread use of the Internet by children and young people has led to an increase in cases of sexual abuse and violence through the Internet. To date, new forms of violence against children have been noted: acts of violence against adopted children, in particular, sexual violence against children adopted by homosexual couples, that is, they usually have sex with boys, but also "rent" these children[40]. That's why the term sex trade has come into circulation.

Commercial sexual exploitation is a form of sexual abuse committed against a child or a third party for compensation in the form of cash or benefits.

Consequences of childhood sexual abuse include guilt, self-blame, nightmares, insomnia, fears associated with memories of the abuse, low self-esteem, sexually transmitted diseases, chronic pain, chemical dependencies, self-harm, suicidal thoughts, somatic illnesses, consists of depression, anxiety, other mental disorders, etc[41].

The problem of preventing violence against children is urgent all over the world. The increase in violence against them is associated with a general increase in violence in society, violent crimes, delinquencies, suicides and fatal accidents[42].

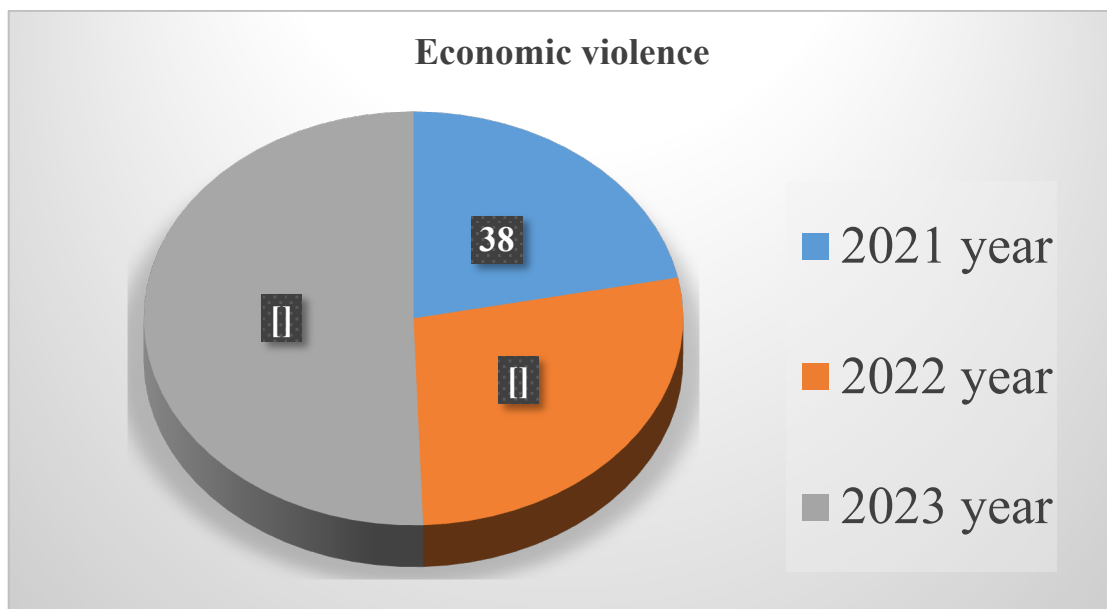
At the same time, we should not forget that the family is a part of society, a category of culture, but also its reflection and structural-semantic element. And society, as we know, is always in a state of development, which in turn cannot but affect the family, especially family relations.

In conclusion, it should be noted that sexual violence against a child is a threat to a child's honor, dignity, sexual freedom and sexual integrity by adults in society or in the family in order to force a child to have sex in the course of daily life.

Analysis of parental neglect and neglect of children

Neglecting the child's basic needs differs from other types of child abuse, as it includes not only the intentional (conscious, purposeful) actions or inaction of parents, but also the failure to fulfill their duties due to their inability to care for the child.

If we analyze the total data on the oppression and violence of children in economic matters in 9 months of 2021, 2022 and 2023 of the regional departments of the Republican Center for the Rehabilitation and Adaptation of Women, we will witness a sharp increase in the indicators of this type of violence.



Today, when we analyze the number of parents whose children do not provide socio-economically, and the preventive work carried out with them, the total number of parents who are in the preventive account in 2022 on the scale of the Republic is 17,032, of which the number of those who received financial and social support is 1,882. 4,916 parents were discharged from the preventive account due to returning to a healthy lifestyle.

According to the analysis, in 12 months of 2021, the number of parents on the preventive account was 12,941, of which 3,992 parents were removed from the preventive account due to returning to a

healthy lifestyle. These indicators, in turn, show a 31.6% increase in the number of parents in preventive care in 2022 compared to 2021.

Child neglect and neglect are widespread. Children living in poverty are especially vulnerable to neglect and neglect. Experiencing poverty can cause great stress in families, which can increase the risk of economic abuse and neglect against children. Economic neglect is 5 times higher in children from families with low socio-economic status compared to other children[43].

Economic abuse is the creation of a situation in which the child's basic needs are not met, because a fixed amount of money (amount) is allocated for his needs as a dependent family member, for which the mother, her substitute or herself is fully responsible, from paying alimony and other funds for child support.

Economic violence in the family, along with general signs, also shows the following specific signs:

- a) material support (money, food, clothes, etc.) for a specific member of the family compel to ask;
- b) depriving him of the use of money and goods under various pretexts.

Based on this analysis, economic violence in the family can be defined as follows: economic violence in the family - everyday life together (in marriage) by one or a group of family members by depriving another member of the use of money and goods under various pretexts, material support (money, food, food, clothing, etc.) is forcing to ask.

Economic abuse Denial of child support; It is caused by concealing income, spending family money, making most financial decisions independently, and strictly controlling expenses.

Neglect is the failure to meet a child's basic physical and emotional needs, including housing, food, clothing, education, access to medical care, and validating and responding to feelings.

Negligence can be in the following forms: food neglect - deprivation of food or malnutrition; carelessness in providing the child with clothes - lack of clothes and/or shoes, which are necessary especially in the cold season; neglect of hygiene - non-observance of general standards of personal hygiene, inconsistency with sanitary conditions of the residence that threaten the life or health of the child; negligence of medical care - lack or refusal of necessary medical care to protect the child's life, health and physical integrity, failure to contact medical personnel in urgent cases; neglect of education - refusal to appoint a child to an educational institution and the child's failure to attend school; emotional neglect - denial of the child's psychological and emotional problems; neglect of supervision - placing or leaving a child in unsupervised conditions or situations that could result in illness, injury, exploitation, or death of the child[44]. Based on the analysis, it can be said that economic violence against a child is the failure of adults in the society or family to provide the child with money and other material things that are used for the child's daily life.

Termination of parental rights: as a measure to protect children from domestic violence

The foundations of international legal regulation of the institution of deprivation of parental rights are defined in the provisions of the United Nations Convention on the Rights of the Child. According to Article 9 of this Convention, a child may not be separated from his parents against his will, except when such separation is in the best interests of the child, and in cases established by law based on a court decision by state authorities. Such measures can be seen as a necessity in certain cases, for example, when parents have a cruel relationship with their children, when the child lives separately from his parents, when there is a need to determine the child's place of residence[45].

If we pay attention to the statistical information on the cases related to the deprivation of parental rights heard by the civil courts in the first instance, in 2020, 850 cases, 1,244 in 2021, 1,336 in 2022, and 601 cases[46] in 6 months of 2023 were completed. -mothers or one of them is deprived of parental rights.

The Family Code of the Republic of Uzbekistan does not include the concept of deprivation of parental rights, but specifies the grounds for limiting and depriving parental rights. Article 79 of the Family Code of the Republic of Uzbekistan lists five grounds for deprivation of parental rights. This list is also not considered complete within the framework of today's social relations.

The word “deprived” is missing in the dictionary comes in meanings such as separated, excluded, i.e. without the right to have. So, when we mean deprivation of parental rights, we must understand that parents are deprived of their rights established by law in relation to their children. Based on the mentioned information, we can define deprivation of parental rights as follows, i.e., deprivation of parental rights is the deprivation of the rights of parents to live together, educate, take care of their children in accordance with the procedures and grounds established by law, or it is said to be canceled for both of them.

U.Sh Sharakhmetova stated that the grounds for deprivation of parental rights are the illegal and culpable actions and inaction of parents. Article 79 of the Family Code provides strict grounds for deprivation of parental rights, according to which parents are deprived of parental rights if they do not fulfill their parental obligations. Termination of parental rights is a last resort. Deprivation of parental rights is applied after all measures affecting them have failed[47]. In accordance with the author's opinion, parents (one of them) in the following cases.

Firstly, if he refuses to fulfill his parental obligations, including alimony payments. Such a situation is the refusal to educate, live together, take care of the child, protect the rights and legal interests of the child, protect it from harmful information attacks, take care of the health, physical, mental, spiritual and moral development of the child and provide it with economic support. For example, on September 8, 2023, the plaintiff M.V. Kurbanova filed a lawsuit against the defendant I.Kh. Kurbanov in the Asaka inter-district civil court with a claim on "deprivation of paternity rights". According to the case documents, the parties were legally married in 2010 and had a son born in 2011. The parties have been living separately since 2012 due to a mutual disagreement. The respondent did not take care of his child's education and health, and did not fulfill his fatherly obligations. According to the 2012 court order of the Asaka Inter-District Court on Civil Cases, it was determined to collect alimony from the respondent for the material support of one child. According to the information on the alimony debt of I.Kh. Kurbanov in 2023 of the MIB Asaka district branch, the debt amounts to 43,574,825.15 soums. In the conclusion of the child protection department, it is indicated that it is appropriate to deprive the defendant of the father's rights to the child. Based on the above, the court issued a decision on depriving I. Kh. Qurbanov of his paternity rights[48].

Secondly, if he refuses to take his child from the maternity hospital or other medical institution, education, social protection institution and other similar institutions for no good reason. For example, today, single mothers, those who have lost their breadwinner, and their spouses who have gone abroad and do not return, bring their children to orphanages. According to the data, the number of children with labor migration parents or relatives who are being raised in fully state-supported institutions away from their families is 935, of which 75 are labor migrants[49].

Thirdly, if he abuses parental rights, treats children cruelly, including using physical force or psychological influence. Regarding this norm, M.M. Khaitov gave the following opinion. Cruel behavior of parents towards children, including the use of physical force or psychological influence, is considered as an abuse of parental rights and is the basis for liability in accordance with the law[50]. In legal theory, the abuse of parental rights is the exercise of these rights contrary to the purpose established and recognized by law or with the intention of harming the child.

Fourthly, if he was addicted to alcoholism or drug addiction. In order to deprive parents of parental rights, the fact that they have this disease is enough, because this condition naturally poses a danger to the child. The child falls into an unhealthy family environment, remains alone and suffers

mentally and physically[51]. For example, according to the 2023 letter of the Internal Affairs Department of Ohangaron District, D. Jumakulova, a resident of Ohangaron District, regularly leaves her three minor children in the care of her elderly father without supervision, while she consumes alcohol, leaves home, does not engage in work, begging. he came to his father's house once every 10-15 days. Minors studied in the 2nd grade of the 47th general education school in Ohangaron district and did not go to school once in the 2022-2023 academic year. Two daughters were working with their mother on the streets, collecting household waste. Based on these circumstances, the Department of Child Protection of the Ohangaron district authorities filed a lawsuit in the interest of minors, asking to deprive D. Jumakulova of her right to motherhood and to collect alimony for the maintenance of children. The court satisfied the claim and deprived her of her right to motherhood[52].

Fifth, if he committed a deliberate crime against the life or health of his children or against the life or health of his husband (wife), he may be deprived of parental rights. According to statistics, in 2021 criminal cases related to family violence will be considered in total 1568. A total of 1,692 persons were brought to justice within the scope of these criminal cases. Also, if 1617 persons were recognized as victims of these crimes, 1184 or 73% of them were women, 433 or 26% were men, 20 or 1% were minors. For example, on June 21, 2023, the Kokand Inter-District Court on Civil Affairs No. 2-1502-2301/6479 made a decision to deprive D. of paternity rights. It was established in the case that on March 17, 2020, the defendant D killed his spouse citizen S on purpose. He had one child from his marriage. The minor's uncle is designated as guardian. In connection with this situation, citizen D's mother testified that her daughter-in-law was actually killed intentionally by her son. Therefore, the court made a decision to deprive citizen D of his paternity rights[53].

In the legal literature, one can see different approaches to the institution of deprivation of parental rights. M. Baratov to the following conclusions about deprivation of parental rights: first, deprivation of parental rights is a legal fact, due to which civil rights and obligations arise anew, change or become invalid for someone; secondly, one should not forget moral norms in family-legal relations. Indeed, in family-legal relations, not property, but personal, moral aspects prevail. The institution of deprivation of parental rights is primarily aimed at protecting the interests and rights of a minor child[54]. Of course, it is more important for a child to stay with his loved ones, under the protection of his parents, even if the family faces severe difficulties. The institution of deprivation of parental rights is also considered a sectoral legal institution that describes the protection of the interests of children and combines the measures of parental responsibility[55]. Protection of children's rights from the actions of parents who intentionally commit crimes against the life and health of their children is one of the main tasks of the institution of deprivation of parental rights in the country. The need for priority protection of the rights and interests of minor family members is due to the fact that these persons are usually the "weakest" participants in family relations: it is usually more difficult for them to "protect themselves" than other family members, they are the most vulnerable[56]. According to R.F. Garipov, deprivation of parental rights is a family legal protection measure aimed at ensuring the rights and legal interests of minors[57]. Another point of view, S.A. According to Muratova, deprivation of parental rights is defined as a measure of family legal responsibility expressed in the form of loss of certain subjective rights[58]. N.N. Tarusina said that deprivation of parental rights is "the most severe (punishment) measure for parents of family legal responsibility aimed at protecting the interests of the child" [59]. Consequently, the author emphasizes the dual nature of the deprivation of parental rights, which appears simultaneously as a measure of family legal responsibility and as a protective measure. At the same time, identifying several established approaches to determining the nature of deprivation of parental rights possible: a measure of legal protection of the family; measure of family legal responsibility.

Thus, according to the cited scholars, deprivation of parental rights is a type of family legal responsibility, in which the element of punishment is most clearly manifested. Also, deprivation of parental rights serves to protect and prevent child abuse in the family.

At this point, it is permissible to dwell on the conditions and consequences of deprivation of parental rights in the legislation of foreign countries.

Deprivation of parental rights in the Family Code of the Republic of Tajikistan (Article 69) [60], Deprivation of parental rights and obligations in the Civil Code of Georgia (Article 1206) [61], Civil Code of the Republic of Latvia (Article 200) [62] and Civil Code of the Republic of Lithuania (Article 3.180- articles) [63] can be seen to be similar to the norms of deprivation of parental rights established in our national legislation.

According to Article 69 of the Family Code of the Russian Federation, sexual inviolability by a parent against a child, as well as intentional crime against the life and health of other family members, causes deprivation of parental rights[64]. Article 80 of the "Code of the Republic of Belarus on Marriage and Family" provides grounds for deprivation of parental rights if they lead an immoral lifestyle that has a harmful effect on the child, give up the child and submit a written application for consent to adoption while living separately with the child[65].

According to Article 59 of the Family Code of the Republic of Armenia, harming children by their immoral behavior, encroaching on the sexual integrity of children is a reason for deprivation of parental rights[66].

The following paragraphs of Article 64 of the Family Code of the Republic of Azerbaijan, which are different from our national legislation, specify the circumstances of deprivation of parental rights:

64.0.5. when committing actions related to domestic violence against children;

64.0.8. in the event of a crime involving sexual exploitation or sexual abuse of children[67].

Article 84 of the Serbian Family Law is entitled Total Deprivation of Parental Rights, according to which;

(1) Abuse of parental rights or gross neglect of obligations that are part of parental rights may result in complete deprivation of parental rights.

(2) abuse of rights by a parent, including part of parental rights:

1. if a parent or one of them physically, sexually or mentally abuses a child;
2. if he abuses the child's rights by forcing the child to do excessive work or work that endangers the child's morals, health or education or work prohibited by law;
3. if the parents or one of them encourages the child to commit criminal acts;
4. if a parent or one of them accustoms the child to bad tendencies;
5. if a parent or one of them intentionally abuses the child's rights in another way.

(3) if the parent grossly neglects the duties that are part of parental rights:

1. if the parents or one of them abandoned the child;
2. does not take care of the child living with parents or one of them at all;
3. if a parent or one of them avoids supporting the child or having personal contact with the child with whom he does not live;
- 4) if a parent or one of them does not create conditions for common living with a child living in a social service institution for a year;

5). if a parent or one of them grossly violates the child's rights in another way.

(4) depriving parents of all rights and obligations that are part of parental rights, with the exception of the obligation to support the child.

(5) The decision on complete deprivation of parental rights may specify one or more measures to protect the child from domestic violence[68].

In the Code of the Republic of Kazakhstan on Marriage (Marriage) and Family (Article 75) [69], abuse of sexual integrity of a child, gambling, betting, abuse of psychotropic substances and (or) their analogues, Parents of their child, spouse or other family members shall be deprived of parental rights in case of intentional criminal offense against his life or health. According to the Family Code of the Kyrgyz Republic (Article 74) [70], violation of a child's sexual integrity, allowing minor children to wander, involving children in the worst forms of child labor are grounds for deprivation of parental rights.

According to the Family Code of Turkmenistan (paragraph 4 of Article 93), a parent may be deprived of parental rights as a result of having a harmful effect on a child with immoral behavior[71].

According to the Moldavian Family Code (Article 67) [72], having a negative influence on the child with immoral behavior and violating the child's sexual integrity are grounds for deprivation of parental rights. Also, the legislator has determined the deprivation of parental rights in other cases where the interests of the child require it. This norm does not limit the cases of deprivation of parental rights, but it makes it possible to deprive of parental rights even if the interests of children are violated due to other actions or inactions not provided for in Article 67 of the OK.

The analysis of the current national and foreign legislation on deprivation of parental rights and the study of scientific and theoretical ideas allow the following conclusions to be drawn.

Conclusions

Based on the above analysis, the following proposals and recommendations were put forward:

Firstly, it is necessary to strictly prohibit by law all types of violence against children in the family and in alternative child care systems, and to strengthen the legal basis for preventing cases of violence in the family or state institutions.

Secondly, providing parents, teachers and caregivers with the necessary training on the protection and rehabilitation of children who are victims of violence, as well as providing them with information about the persons and institutions that can get help, can make a great contribution.

Thirdly, the following factors cause physical, sexual, mental and economic violence against children in the family:

presence of an unhealthy spiritual and spiritual environment in the family; weak spiritual and moral education in the family or negative behavior of one of the family members;

material shortages and difficulties in the family; pouring lipstick into alcohol;

property or inheritance of family members or relatives;

jealousy, male and female betrayal; early marriage of young people or inappropriate interference of relatives in family relations.

Fourthly, the best way to combat child abuse is to prevent it. Everyone has a role here, but the main responsibility should be on the state.

Fifthly, it is time to change the practice of protecting children exposed to domestic violence. It is necessary to ensure the participation of children, that is, to create convenient and easy reporting mechanisms and services for children.

In other words, it is necessary to create safe, recognizable, confidential and easily accessible mechanisms for reporting cases of child abuse by children, their representatives and others.

Analyzing the legislation of national and foreign countries, it was concluded that the concept of deprivation of parental rights does not exist, despite the fact that there are grounds for termination, deprivation and deprivation of parental rights. Therefore, the following definition was given to the concept of deprivation of parental rights.

Deprivation of parental rights as an object of family law regulation is a sanction applied by the state for the culpable illegal actions of parents, expressed in the failure or inadequate performance of parental obligations, aimed at protecting the interests of children and re-educating parents.

In our opinion, taking into account the increasing type of offenses committed by parents against children in today's families, the family law includes violations of the child's sexual integrity by parents or one of them, sexual exploitation of children, intentional crime against the life and health of other family members. It is considered appropriate to introduce norms that encourage a child to commit a crime, have a negative impact on the upbringing of a child with immoral behavior, and may be the reason for deprivation of parental rights.

Article 79 of the Family Code of the Republic of Uzbekistan should be supplemented with the following provision:

The third part of Article 79 "... if he violates the sexual integrity of a child";

The fourth, fifth, and sixth parts of Article 79 shall be supplemented with the following provisions:

if he has a negative impact on the child with immoral behavior;

parents or one of them encourages the child to commit a crime;

teaches to use gambling, betting, psychotropic substances;

The sixth part of Article 79 should be supplemented with the following provision:

if he intentionally committed a crime against the life or health of other family members;

Article 79 should be supplemented with the seventh part:

"Parental rights may be deprived in other cases where the interests of the child require it".

In our opinion, these rules help to protect the rights and interests of children in the family and clarify the measures of responsibility of parents.

Also, without limiting the grounds for deprivation of parental rights, it also provides for the possibility of deprivation of parental rights if the interests of children are violated as a result of other types of illegal action or inaction not provided for in Article 79 of the OK.

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